

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 3-5 and 10 are amended. Claim 1 is amended to recite the specific stressor “ultraviolet light” in place of “an electromagnetic emission” and the specific stressor “ozone” in the place of “an oxidative environment.” Claims 3-5 and 10 are amended to provide proper antecedent support in view of the amendment of claim 1. Claim 1 is further amended to delete reference to “prophylaxis.” These amendments are supported throughout the specification and add no new matter.

Telephonic Interview

Applicant would like to thank Examiner Arnold for the courtesy extended to Gerald Swiss (Reg. No. 30,113) and Bill Chan (assignee’s representative) in the telephonic interview of 1 November 2006. The present amendment incorporates Applicant’s response to issues raised by Examiner Arnold. The issues raised by the Examiner are fully reflected in the Office Action issued on 15 November 2006.

35 U.S.C. § 112, first paragraph

Claims 1-22 stand rejected under 35 U.S.C. § 112, first paragraph as “not provid[ing] enablement for preventing primary pulmonary hypertension.” Claim 1 is amended to delete reference to prophylaxes and rather to recite “treatment.” Applicant notes that the Office Action explicitly acknowledges that the specification is enabling for such treatment. Applicant respectfully requests withdrawal of the rejection in view of the amendment to claim 1.

Claims 1-22 stand rejected under 35 U.S.C. § 112, first paragraph as

not reasonably provid[ing] enablement for a method for alleviating the symptoms of primary pulmonary hypertension by extracting an

aliquot of blood from the patient, subjecting the aliquot extracorporeally to at least two stressors selected from the group consisting of a temperature above or below body temperature, an electromagnetic emission comprising UV light and an oxidative environment.

The Office Action takes particular notice of the terms “electromagnetic emissions” and “oxidative environment” stating:

all temperature above or below body temperature (would the temperature of liquid nitrogen work?), all electromagnetic emissions (would radio waves, microwaves, infrared radiation, X-rays and gamma rays work?) and all oxidative environments (would air or hydrogen peroxide solutions work?)

Claim 1 is amended to recite the specific stressor “ultraviolet light” in place of “an electromagnetic emission” and the specific stressor “ozone” in the place of “an oxidative environment.” Claims 3-5 and 10 are amended to provide proper antecedent support in view of the amendment of claim 1. The amendment brings the claims into correspondence with the examples provided in the specification. Applicant submits that the claims as amended are fully enabled and respectfully requests withdrawal of the rejection in view of the amendment to claim 1.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid

amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Respectfully submitted,

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By Karen E. Flick

FOLEY & LARDNER LLP
Customer Number: 38706
Telephone: (650) 251-1115
Facsimile: (650) 856-3710

Karen E. Flick
Attorney for Applicant
Registration No. 44,111